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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BLACK MOUNTAIN EQUITIES, INC.,

Plaintiff,

-against-

PACIFIC GOLD CORP.,

Defendant.

Docket No. 2:12-cv-01285-KM-CLW

Motion Day:
December 3, 2012

PACIFIC GOLD CORP.,

Counterclaim Plaintiff,

-against-

BLACK MOUNTAIN EQUITIES, INC., YA
GLOBAL INVESTMENTS, L.P., YORKVILLE
ADVISORS, LLC, TROY RILLO, and ADAM
BAKER,

Counterclaim Defendants.

[PROPOSED] ORDER

THIS MATTER having been opened to the Court upon application by Olshan Frome Wolosky LLP, attorneys for plaintiff and counterclaim defendant Black Mountain Equities, Inc. (“Black Mountain”) and counterclaim defendants YA Global Investments, L.P. (“YAG”),

Yorkville Advisors, LLC (“Yorkville”), Troy Rillo, and Adam Baker (collectively, the “BME/YAG Parties”) for an Order pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(6) for dismissal of Counts Two through Seven of the Second Amended Counterclaims (Docket # 38) filed by defendant and counterclaim plaintiff Pacific Gold Corp. (“PCFG”), and the Court having read and reviewed the moving papers submitted and any opposition thereto;

It is this _____ day of _____ 2012,

ORDERED that Counts Two through Seven of the Second Amended Counterclaims are hereby dismissed; and it is further

ORDERED that _____

_____;

and it is further

ORDERED that a copy of the within Order shall be served upon all counsel within ____ days from the date of entry of this Order.

HONORABLE KEVIN MCNULTY